

COPY

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAI'I

3 'ILIO'ULAOKALANI COALITION,) Civil No. 04-00502 DAE BMK
 4 a Hawai'i nonprofit)
 5 corporation; NA 'IMI PONO,)
 6 a Hawai'i unincorporated)
 7 association; and KIPUKA, a)
 8 Hawai'i unincorporated)
 9 association,)

10 Plaintiffs,)

11 vs.)

12 DONALD H. RUMSFELD,)
 13 Secretary of Defense; and)
 14 FRANCIS J. HARVEY,)
 15 Secretary of the United)
 16 States Department of the)
 17 Army,)

18 Defendants.)

19 DEPOSITION OF RONALD L. BORNE

20 Taken on behalf of the Plaintiffs, at the law
 21 offices of Earthjustice, 223 South King Street, Third
 22 Floor Conference Room, Honolulu, Hawai'i, commencing at
 23 9:36 a.m., on Monday, December 4, 2006, pursuant to
 24 Notice.

25 BEFORE: CARI VALLO, CSR No. 252, RPR
 Notary Public, State of Hawai'i

PACIFIC REPORTING SERVICES UNLIMITED

Topa Financial Center
 745 Fort Street, Suite 704
 Honolulu, Hawai'i 96813
 (808) 524-7778

EXHIBIT 5

1 APPEARANCES:

2 For Plaintiffs 'Ilio'ulaokalani Coalition, a
3 Hawai'i nonprofit corporation; Na 'Imi Pono,
4 a Hawai'i unincorporated association; and
5 Kipuka, a Hawai'i unincorporated association:

6 DAVID L. HENKIN, ESQ.
7 Earthjustice
8 223 South King Street, Suite 400
9 Honolulu, Hawai'i 96813
10 (808) 599-2436

11 For the Defendants Donald H. Rumsfeld, Secretary
12 of Defense, and Francis J. Harvey, Secretary of
13 of the United States Department of the Army:

14 ROBERT M. LEWIS, ESQ.
15 Senior Trial Attorney
16 Environmental Law Division
17 U.S. Army Litigation Center
18 901 N. Stuart Street, Suite 400
19 Arlington, Virginia 22203
20 (703) 696-1567

21 JAMES D. GETTE, ESQ.
22 Trial Attorney, Natural Resources Section
23 U.S. Department of Justice
24 Environment & Natural Resources Division
25 601 D Street, NW
Washington, DC 20004
(202) 305-1461

ALSO PRESENT: Anna Mallon, William Aila

1 have witnessed the training, discussed with the
2 instructors and their supervisors the training that
3 they do today.

4 In the Kahukus, my experience is only
5 topographically having visually seen the areas myself
6 in the past, knowing the vehicle maneuver capabilities,
7 and for the Stryker discussions with 2nd Brigade
8 personnel, Colonel Banach, and his operations officer.

9 MR. HENKIN: Why don't we take a five-minute
10 break.

11 (Recess taken, 10:16-10:25 a.m.)

12 BY MR. HENKIN:

13 Q Mr. Borne, is the Army seeking to use -- sorry.
14 Try again.

15 As part of the Army's current request to the
16 court for training involving Stryker vehicles, is it
17 seeking any use of the area that was recently purchased
18 from the Parker Ranch on the island of Hawai'i, known
19 as the West Pohakoloa Training Area Acquisition Area?

20 A Not for initial operating capabilities for 2nd
21 Brigade.

22 Q Could you please clarify what you mean by not
23 for initial operating capabilities?

24 A Not use the Keamuku -- recently purchased
25 Keamuku parcel for 2nd Brigade to reach its capacity to

1 deploy.

2 Q Is it asking the court for use of the Keamuku
3 parcel for any other purpose?

4 A No, it is not.

5 Q Does it have plans to use the Keamuku parcel
6 for any other purpose between now and the time that the
7 2nd Brigade deploys?

8 A For training, no. I am not certain if there's
9 any implementation of any fire management or other
10 environmental concerns that have to be implemented for
11 emergency reasons, like wild fire. But not for
12 training until that time.

13 Q Who would know if there were any plans to do
14 any nontraining activities on the Keamuku parcel
15 between now and the time of deployment?

16 A At this point, I do not believe anyone is aware
17 of them, that they need to implement any immediately.
18 However, should wild fires become a problem,
19 suppression, fire-break roads, those things may have to
20 be implemented or managed.

21 Q When you refer to the time of the 2nd Brigade's
22 deployment, what time is that?

23 A Second brigade, I am not privy to the exact
24 deployment of 2nd Brigade.

25 Q Has it received deployment orders?

1 STATE OF HAWAI'I)
2) SS.
3 CITY AND COUNTY OF HONOLULU)

4 I, CARI VALLO, CSR No. 252, a Notary Public in
5 and for the State of Hawai'i, do hereby certify:

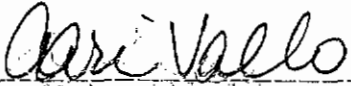
6 That on Monday, December 4, 2006, at 9:36 a.m.,
7 appeared before me RONALD L. BORNE, the witness whose
8 testimony is contained herein; that prior to being
9 examined, the witness was duly sworn or affirmed; that
10 the proceedings were taken in computerized machine
11 shorthand by me and were thereafter reduced to print
12 under my supervision; that the foregoing represents, to
13 the best of my ability, a correct transcript of the
14 proceedings had in the foregoing matter;

15 That, if applicable, the witness was notified
16 through counsel, by mail, or by telephone to appear and
17 sign; that if the transcript is not signed, either the
18 reading and signing were waived by the witness and all
19 parties or the witness has failed to appear and the
20 original is therefore kept on file without signature
21 pursuant to Court rules;

22 That pursuant to HRCP 30(f)(1), the original
23 will be forwarded to noticing counsel for retention,
24 unless otherwise agreed to by all counsel.

25 I further certify that I am not counsel for any
of the parties hereto nor in any way interested in the
outcome of the cause named in the caption.

Dated this 8th day of December, 2006, in
Honolulu, Hawai'i.


Notary Public, State of Hawai'i
My Commission expires: November 6, 2008
CARI VALLO, CSR No. 252, RPR